

FILED  
HARRISBURG, PA

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARYANN BUTLER,

Plaintiff,

CIVIL ACTION NO. 1:25-cv-00690-KMN

(Judge Neary)

PER   
DEPUTY CLERK

AUG 15 2025

v.

NEW AMERICAN FUNDING, LLC, et al.,

Defendants.

**VERIFIED DECLARATION**

(Standing Clarification under ECF 71; Regulatory Contradiction; Support for ECF 68;  
and Incorporation of Exhibits B1–B3, O, D/D2, F & F2)

I, Audury Petie Davis, and I, Maryann Butler, declare under penalty of perjury pursuant to 28  
U.S.C. § 1746:

0. Personal Knowledge. We are over 18 and competent to testify. This declaration is based on  
our personal  
knowledge unless stated on information and belief; if called as witnesses we could and would  
testify to the  
facts stated herein.

**Purpose and Scope**

1. This Verified Declaration clarifies Article III standing in light of the Court's August 14, 2025  
Order (ECF 71),  
identifies material regulatory contradictions bearing on Plaintiffs' pending ECF 68 motion (TRO  
/ OSC /  
expedited discovery / sanctions preservation), and incorporates Exhibits B1–B3, O, D/D2, F  
(transcript), and  
F2 (audio) by reference. Contemporaneously, Plaintiffs are re-establishing any  
previously-stricken exhibits  
without prejudice and providing a conventional filing of Exhibit F2 (audio).

**Background & Core Facts**

2. In or about January 2025, Plaintiffs pursued an FHA refinance with New American Funding  
(NAF). Consistent  
with the assigned loan officer's instructions, supporting documents (including paystubs, VOE  
materials, bank

statements, and related items) were transmitted off-portal to the loan officer's email. Exhibit O evidences those off-portal transmissions and related handling.

3. After submission, communication from the loan officer ceased. Plaintiffs never received a written denial,

adverse action notice under the Equal Credit Opportunity Act/Regulation B, or any written confirmation of a

voluntary withdrawal. Plaintiffs did not request or consent to any withdrawal. Exhibits D and D2 reflect

failed delivery/bounce-backs during the harm window.

4. On March 12, 2025, Plaintiffs received a voicemail from loan officer Shawn Wainwright acknowledging ongoing

processing activity and delay ("your mother's second verification of employment just came in late last week;

that has been sent up..."), apologizing for being out of the office, and requesting a call back. The Google Fi

transcript is Exhibit F. The audio recording is Exhibit F2 (file: "NAF Loan Officer, Shawn Wainwright.mp3";

duration ≈ 00:34; SHA-256:

b96555a6812aaa8b2b3da58f5c9e9e0a3e950aff797b38472786834c187992ba).

Exhibit F2 is submitted by conventional filing. We exported the voicemail from our device and computed the

SHA-256 using standard tools; later copies were verified to the same hash. Any brief audible ending does not

alter the quoted content, which is clear on both transcript and audio.

5. The refinance was tied to a necessary roofing project. The roofing contract and demand/threat letters (Exhibits

B1–B3) personally name Plaintiffs and seek payment conditioned on the refinance outcome.

### **Standing Clarification (ECF 71) — Lujan Elements**

6. Injury-in-Fact. Plaintiffs are personally named on the roofing contract and demand/threat letters (B1–B3) and

face imminent enforcement/collection exposure; Plaintiffs also incurred out-of-pocket costs and processing

risk traceable to NAF's handling.

7. Causation. The injury is fairly traceable to NAF's conduct: the off-portal handling (O), communications failures

(D/D2), and the loan officer's admitted delay/ongoing processing (F/F2) together caused the project-linked

harm and third-party enforcement pressure against Plaintiffs.

8. Redressability. Court relief, including injunctive relief and/or damages, will halt third-party enforcement and compensate losses, fully redressing the injury.

9. Cure & Preservation. Any earlier uncertainty noted in ECF 71 is expressly cured by Plaintiffs' Verified Curative

Complaint (ECF 38) and Verified Declaration (ECF 39) and by this consolidated declaration incorporating

Exhibits B1–B3, O, D/D2, F, and F2. Additionally, to the extent any earlier real-party-in-interest/joinder issue

was perceived, Fed. R. Civ. P. 17(a)(3) applies; the curative filings operate as ratification/joinder and this case

should proceed on the merits.

### **Regulatory Contradiction & ECF 68 Support (summary)**

10. Regulation B requires timely and proper adverse-action notice, see 12 C.F.R. § 1002.9(a); 15 U.S.C. § 1691(d).

No such notice was provided to Plaintiffs, even as the loan officer acknowledged VOE-based processing and

delay (F/F2). Off-portal collection/handling (O), coupled with systematic communication failures (D/D2),

contradict NAF's position that Plaintiffs "withdrew." The record shows no request/consent to withdrawal and

no ECOA/Reg B denial letter.

11. These contradictions directly support the urgent relief sought in ECF 68 (including targeted expedited discovery

into call logs, email routing/delivery, loan-processing notes, and rate-lock status) and justify evidentiary

preservation measures.

### **Exhibit Incorporation & Conventional Filing**

12. Plaintiffs incorporate by reference Exhibits B1–B3, O, D, D2, F, and F2. To the extent any exhibit was previously

stricken without prejudice, Plaintiffs are contemporaneously re-establishing it and linking it to ECF 68 through

separate judicial notices. Plaintiffs are contemporaneously submitting Exhibit F2 by conventional filing (USB)

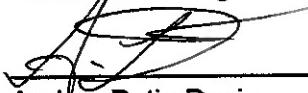
with the identification above and the SHA-256 hash for authentication.

**Caption Conformity**

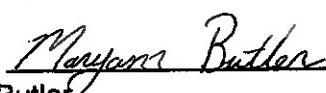
13. This filing is submitted on behalf of both Plaintiffs, Audury Petie Davis and Maryann Butler. The header mirrors

ECF 71 for administrative conformity and does not waive Plaintiff Davis's standing. See ECF 38-39.

Executed on August 15, 2025, in Harrisburg, Pennsylvania.



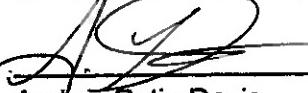
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Maryann Butler  
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**CERTIFICATE OF SERVICE**

I certify that on August 15, 2025, I hand-delivered the foregoing to the Clerk for filing and caused service via the Court's CM/ECF system on all counsel of record.



Audury Petie Davis